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8 Attorneys for Plaintiffs,  
9 Pacific Maritime Freight, Inc. d/b/a  
10 Pacific Tugboat Service (“PTS”)

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PACIFIC MARITIME FREIGHT,  
INC., d/b/a PACIFIC TUGBOAT  
SERVICE (“PTS”),

Plaintiff,

v.

BARGE AMECS 1 (a/k/a  
“TIDEMAR”) (USCG No. 507460),  
her tackle, furnishings, equipment,  
fixtures and apparel, *In Rem*;  
RUBEN GARCIA, an Individual,  
ADVANCED ENVIRONMENTAL  
GROUP, LLC, and ADVANCED  
CLEANUP TECHNOLOGIES, INC.  
(COLLECTIVELY “AEG”), *In  
Personam*,

Defendants.

CASE NO. 2:18-cv-9548-RGK(PJWx)  
JOINT STIPULATION AND  
PROPOSED TEMPORARY  
MODIFIED ORDER  
REGARDING ARREST OF  
VESSEL AMECS 1 BARGE  
(aka “TIDEMAR”), (USCG  
No. 507460, IMO #976)  
PURSUANT TO  
ADMIRALTY RULE D

The Parties to this action, through their respective counsel, hereby submit  
this Joint Stipulation and Proposed Temporary Modified Order Regarding Arrest of

1 The BARGE AMECS 1 (a/k/a “TIDEMAR”) (USCG No. 507460, IMO #  
2 976)(hereinafter THE “Barge”).

3 1. On November 9, 2018, Plaintiff PACIFIC MARITIME FREIGHT  
4 d/b/a PACIFIC TUGBOAT SERVICE (“PTS”) initiated an action against  
5 Defendants, BARGE AMECS 1 (a/k/a “TIDEMAR”) (USCG No. 507460, IMO #  
6 976), *In Rem*; RUBEN GARCIA, ADVANCED CLEANUP TECHNOLOGIES,  
7 INC., and ADVANCED ENVIRONMENTAL GROUP, LLC, *In Personam*  
8 (collectively the *in personam* Defendants are referred herein as “AEG”). (Dkt. No.  
9 1).

10 2. As part of its action, PTS also applied *ex parte* for a warrant for the  
11 arrest of the Barge. (Dkt. Nos. 4, 7). An Order and accompanying warrant were  
12 issued on November 10, 2018 by this Court. (Dkt. No. 9). The Barge was thereafter  
13 arrested by the U.S. Marshal on or about November 11, 2018 and custody of the  
14 Barge was then transferred to the Court appointed Substitute Custodian, Nielsen  
15 Beaumont Marine, Inc. (hereafter “Beaumont”). (Dkt. No. 8).

16 3. On November 19, 2018, the AEG Defendants filed their answers to  
17 Plaintiff’s Complaint and, among other pleadings, requested an immediate  
18 expedited hearing seeking to have Plaintiff justify the arrest. (Dkt. Nos. 16, 20).

19 4. The Court set a provisional hearing on Defendants’ request for an  
20 expedited hearing for Monday, November 26, 2018, but also ordered counsel for  
21 the parties to meet and confer by 5:00 pm on Wednesday, November 21, 2018 to  
22 explore possibilities of resolution. (Dkt. No. 21)

23 5. The parties met as ordered and reached a tentative agreement on  
24 certain immediate issues while reserving all rights and claims each may have  
25 against the other. The parties are presently working on the terms of a “Standstill  
26 Agreement” which, when finalized, will be filed in the form of a joint stipulation  
27 and proposed order modifying the terms of the arrest.

1       6.     Accordingly, the parties have notified the Deputy Clerk via email over  
2 the Thanksgiving holiday that there is no longer a need for an expedited hearing on  
3 Monday, November 26, 2018.

4        7.     In the meantime, and during the time in which a more formal  
5     Stipulation and Proposed Order is being negotiated, the parties have agreed that it is  
6     in their respective best interests, and as a means to mitigate overall damages and  
7     expenses, if the Barge is permitted while under arrest and on a limited case by  
8     case/job-by-job basis, to allow AEG to service oceangoing ships and to generate  
9     revenue and avoid potential exposure to third parties.

10       8.     Therefore, the parties jointly stipulate and hereby request that the  
11 existing Arrest Order be temporarily modified to allow the Barge to be deployed  
12 within the Los Angeles/Long Beach port complex for the purpose of servicing AEG  
13 customer vessels, but to remain under Arrest until further notice or rulings of this  
14 Court.

15        9. Said deployment is at the mutual pleasure and discretion of both  
16 parties and either may, in their sole discretion, withhold or cancel consent of such  
17 deployment by notification to each other and the Court Appointed Substitute  
18 Custodian.

19       10. It is contemplated that this Proposed Temporary Modified Order will  
20 remain in place until further orders are issued by the Court.

21 | Respectfully submitted.

23 || Dated: November 23, 2018

COLLIER WALSH LLP

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1 Dated: November 23, 2018

COX WOOTEN LERNER GRIFFIN AND  
2 HANSEN LLP

3 By: /s/

4 Neil S. Lerner  
5 Counsel for Defendants

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7 TEMPORARY ORDER MODIFYING ARREST OF BARGE

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10 Based on the foregoing Joint Stipulation of the Parties, **IT IS HEREBY**  
11 **ORDERED:**

12 1. The subject Barge is to remain under arrest in the custody of the U.S.  
13 Marshal and is to remain within the District at all times.

14 2. In addition to the duties and appointment outlined in this Court's  
15 Orders of November 10, 2018 authorizing the Arrest and Appointment of a  
16 Substitute Custodian, you are hereby authorized and directed to accept joint  
17 instructions from the Parties, through their respective counsel, with respect to the  
18 movement, deployment and mooring/berthing of the Barge.

19 3. Said joint instructions must be uniform and jointly issued to you by the  
20 parties through their counsel. Either party may, in its sole discretion, withhold or  
21 cancel its consent or concurrence, in which case, you are to take reasonable but  
22 immediate action to order the safe disengagement, movement and moorage/berthing  
23 of the Barge consistent with this Court's prior Orders.

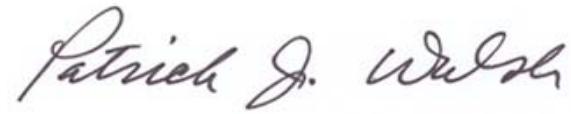
24 4. Additional expenses reasonably incurred by you in accepting any joint  
25 instructions must be paid in a manner acceptable to you by the parties as they may  
26 agree.

27 5. You are further authorized and instructed to refuse any joint  
28 instructions from the parties which you believe in your sole discretion to be unsafe

1 or an unreasonable burden on your resources to fulfill your obligations as  
2 Custodian.

3 **SO ORDERED.**

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5 Dated: November 26, 2018



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Judge, United States District Court